



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:lc

Docket No: 7405-98

30 November 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) CMC memorandum, 1070 JAM4, of 26 Jan 99
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that Petitioner's Primary Military Occupational Speciality (PMOS) 4421 was awarded on an earlier date and that the effective date of his promotion to paygrade E-6 and E-7 be backdated.

2. The Board, consisting of Ms. Hare, LeBlanc, and McCormick, reviewed Petitioner's allegations of error and injustice on 30 November 1999 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner was awarded PMOS 4421 on "22 November 1985", which is the date he graduated from the Legal Service Course, 4421 school, vice any other date.

b. Petitioner will receive remedial consideration for promotion to paygrade E-6 in PMOS 4421 and the remedial consideration will be based on his PMOS 4421 being awarded on 22 November 1985.

c. In the event Petitioner is a selectee to paygrade E-6 from the remedial board and given an earlier effective date of rank to paygrade E-6 he will be given remedial consideration for promotion to paygrade E-7 in PMOS 4421.

d. Further, if Petitioner is selected for paygrade E-7 from the remedial board and given an earlier effective date of rank, and if otherwise eligible, he will be given remedial consideration for promotion to paygrade E-8.

(NOTE: Petitioner will submit a request for remedial consideration for promotion to E-6 through his Commanding Officer to CMC. Petitioner will await the results of each remedial board and if selected to be promoted at an earlier date, the Petitioner will then submit the request for remedial consideration for each follow-up remedial board.)


e. Any remarks and references to being dropped from the Legal Service Course will be obliterated from the record.

f. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

g. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

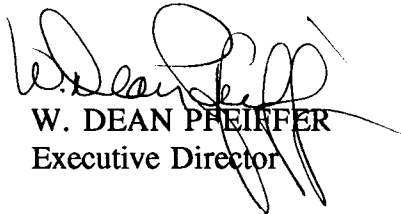
ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

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5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

30 November 1999



W. DEAN PFEIFFER
Executive Director